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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2867/2026

JUNU SAIKIA
C/O-LATE NITYA NANDA SAIKIA R/O-HOUSE NO.15, NAMGHAR PATH,
JUNALI, GUWAHATI-24.

VERSUS

ASSAM POWER DISTRIBUTION COMPANY LTD AND 5 ORS.
REPRESENTED BY CHAIRMAN CUM MANAGING DIRECTOR, HAVING ITS
REGISTERED OFFICE AT BIJULEE BHAWAN, PALTAN BAZAR, GUWAHATI-
01.

2:THE SUB DIVISIONAL ENGINEER

ZOO ROAD ELECTRICAL SUB DIVISION
APDCL (LAR) JAPORIGOG
GUWAHATI-05.

3:THE ASSISTANT GENERAL MANAGER

GUWAHATI ELECTRICAL DIVISION (E) APDCL
DISPUR
GUWAHATI-06.

4:THE DEPUTY ACCOUNTS OFFICER

ZOO ROAD ELECTRICAL SUB DIVISION
APDCL (LAR) JAPORIGOG
GUWAHATI-05

5:THE JUNIOR MANAGER (E) APDCL
ZOO ROAD ELECTRICAL SUB DIVISION

APDCL(LAR) JAPORIGOG
GUWAHATI-05.

6:BRAJEN NEOG

SUB DIVISIONAL ENGINEER
ZOO ROAD ELECTRICAL SUB DIVISION
APDCL(LAR) JAPORIGOG
GUWAHATI-0

Advocate for the Petitioner : MR B P BORAH, MR. A KHANDAKAR,MR J. B.
CHOUDHURY,MR P J DUTTA

Advocate for the Respondent : SC, APDCL,

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 03-06-2026

Heard Mr. P.K. Goswami, learned Sr. counsel assisted by Mr. B.P. Borah, learned counsel for the petitioner. Also heard Mr. B. Choudhury, learned standing counsel, APDCL.

The petitioner in the present writ petition is the wife of Late Nitya Nanda Saikia who had electricity connection bearing ID No. 01700001135 from the APDCL. The petitioner projects that she being a senior citizen and not having a source of income had provided shelter to 04 (four) girls as Paying Guests just to provide for her needs. It is projected that on 07-10-2025, 03 (three) employees of the APDCL had come to the residence of the petitioner and had forcefully entered, therein, without, however, disclosing the purpose for such visit. The petitioner subsequently could come to learn that the said personnel of the APDCL had come for an inspection. Further, the enquiry also reveals that such personnel were not authorized to carry out such inspection. In terms of

the said inspection, the petitioner was issued with a provisional assessment bill for an amount of Rs. 61,629/- (Rupees Sixty One Thousand Six Hundred Twenty Nine). The petitioner had submitted a representation against the said bill as furnished to her, holding the same to be illegal and to have been so issued in violation of the procedure laid down in this connection under the provision of Rule 126 of the Electricity Act, 2003. Thereafter, it is seen that the matter was further processed. The petitioner being aggrieved by the action taken in the matter by the respondent authority had approached this Court by way of instituting a writ petition being W.P.(C) No. 1958/2026.

A Coordinate Bench of this Court noticing the submissions made by the learned standing counsel, APDCL that the provisional bill as issued to the petitioner and the notices thereto including the order passed was decided to be cancelled, proceeded vide order dated 08-04-2026 to dispose of the said writ petition, granting liberty to the petitioner to assail the inspection report dated 07-10-2025. The respondent authorities, thereafter, vide order dated 07-04-2026 by cancelling the earlier order of provisional assessment bill, now proceeded to issue a fresh assessment bill purportedly under the provisions of the Section 126 of the Electricity Act and demanded an amount of Rs. 1,24,501/- (Rupees One Lakh Twenty Four Thousand Five Hundred One) from the petitioner for the malpractice as detected in using the electricity connection for a category other than the category it was so sanctioned.

Mr. P.K. Goswami, learned Sr. counsel for the petitioner has submitted that even after the respondents had cancelled the earlier provisional assessment bill, while issuing a fresh assessment bill, the procedure under Section 126 of the Electricity Act was not

followed. Mr. Goswami has further submitted that the petitioner was not given the due opportunity as mandated under the provision of Section 126, to assail the inspection report as well as the provisional assessment made, thereon, with regard to the compensation payable by her pertaining to the malpractice detected at her premises with regard to the usage of electricity connection for a category other than the category it was so sanctioned.

Mr. B. Choudhury, learned standing counsel, APDCL has fairly submitted that on perusal of the materials brought on record, it is seen that the procedure as mandated under Section 126 of the Electricity Act, 2003 was not scrupulously followed prior to issuance of fresh assessment bill dated 07-04-2026. However, he prays that he would complete instruction in the matter and apprise this Court on the next date of listing.

Issue notice returnable on 15-07-2026.

Since Mr. B. Choudhury has accepted notice on behalf of all the respondents, service of notice is complete in this case.

However, extra copies of the writ petition, requisite in numbers, be furnished to the learned counsel for the respondents.

In view of the submission made by the learned counsel for the parties this Court is of the considered view that the validity of the assessment made including the validity of the inspection report dated 07-10-2025, would require to be examined by this Court. Such examination would be possible only after the learned counsel for the respondents have brought on record their stand by way of filing affidavit.

Accordingly, till the next returnable date, the impugned fresh order dated 07-04-2026 issued by the Sub-Divisional Engineer, Zoo Road Electrical Sub-Division, APDCL (LAR), shall remain stayed.

Further it is provided that the order dated 07-04-2026 having been stayed by this Court, the respondents basing thereon shall not proceed to disconnect the electricity connection granted earlier to the petitioner. However, the petitioner shall pay the normal dues as assessed by the APDCL from time to time.

Registry to list this matter again on 15-07-2026.

JUDGE

Comparing Assistant